

**Public Employment Relations Board
PO BOX 2074, ESP Agency Bldg. 2, Floor 20
Albany, NY 12220-0074**

RESUME OF PANEL ARBITRATOR

FULL NAME: Michael Capone

CITY, STATE, ZIP: Seaford, New York 11783

OCCUPATION: Labor Arbitrator and Mediator

EDUCATION:

- **Touro College Jacob D. Fuchsberg Law Center**, Huntington, NY
Juris Doctorate: May 1995 Honors: Academic Excellence Award
Activities: Alternative Dispute Resolution Club
- **State University of New York**, Old Westbury, NY
B.A. Economics 1980 Honors: Academic Achievement Award
Dean's List

PROFESSIONAL AFFILIATIONS:

- Member, National Academy of Arbitrators
- Member, New York State Bar Association: Law and Employment Section; Labor Arbitration Committee, and Dispute Resolution Section
- Member, Labor and Employment Relations Association (LERA) – New York City and Nassau County Chapters
- Essential Mediation Skills Training with the American Arbitration Association, 2016

ARBITRATION EXPERIENCE & TYPES OF ISSUES OR GRIEVANCES DISPOSED OF:

Since 2010 I have been selected as a member of the following rosters and panels:

- American Arbitration Association
- Bombardier Transportation (USA) & International Brotherhood of Electrical Workers (IBEW), Local No. 589
- Federal Mediation and Conciliation Service
- Liberty Lines (Westchester County) & Transport Workers Union, Local 100
- National Mediation Board
- New Jersey State Board of Mediation
- New York State Department of Education §3020-a Panel
- New York City's Office of Collective Bargaining - Register of Neutrals
- New York City Transit & Transport Workers Union, Local 100 - Expedited Arbitration Panel
- Public Employment Relations Board Voluntary Grievance Arbitration Panel
- Village of Freeport Police Department and Freeport P.B.A.

The issues presented and adjudicated are as follows:

Absenteeism; Arbitrability; Bargaining Unit Work; Conduct (off-duty/personal); Seniority; Demotion; Discipline (Discharge/Non-Discharge); Differentials; Race, Sex, Drug/Alcohol Offenses; Fringe Benefits; Bonus; Vacation; Holidays; Leaves; Grievance Mediation; Job Performance; Jurisdictional Disputes; Management Rights; Past Practice; Benefits; Promotions; Retirement; Safety/Health; Sexual Harassment; Subcontracting/Contracting Out, Overtime Pay; Scheduling, Working Conditions; Job Classification; Workplace Violence, Social Media Policy.

MEDIATION & FACT-FINDING EXPERIENCE:

OTHER RELEVANT OR EQUIVALENT EXPERIENCE:

As a union representative and as a management labor relations professional, for a combined total of 32 years experience, I developed an in-depth understanding of the arbitration process and its standards. During my tenure as a union representative I held the position of shop steward, executive board member, and a pension and welfare fund trustee position. I represented employees in grievance/disciplinary hearings, conferences and arbitrations. Later as a labor relations professional, I advised the president of the company on all labor matters, including collective bargaining and contract interpretation. I handled matters that progressed through to and including arbitration and acted as the chief negotiator during collective bargaining. These experiences and the relationships developed over the years made for a smooth transition into the role of arbitrator and hearing officer. The mutual trust I established with the advocates from both labor and management led to scores of arbitration hearings and approximately 100 awards issued over the last four years.

PER DIEM FEE: A fee of \$2000 per day for hearing, and for research, preparation, and writing of opinion and award. Additional time for research, preparation and writing is prorated.

ADJOURNMENT FEE: In the event of a postponement or cancellation with notice of less than twenty-one (21) days, the per diem fee for each day of scheduled hearing shall be charged if another hearing cannot be scheduled in its place. Where travel exceeding fifty (50) miles is required, a cancellation fee and related expenses will be applied if notice of the change is received less than thirty (30) days from the scheduled hearing.

SUBMITTED BY ARBITRATOR CAPONE ON OCTOBER 22, 2020

Public Employment Relations Board
PO BOX 2074, ESP Agency Bldg. 2, Floor 20
Albany, NY 12220-0074

BILLING DISCLOSURE STATEMENT

ARBITRATOR'S NAME: **Michael Capone**

The following is a description of my fees and expenses:

A) HEARING TIME.

(1) My per diem is \$2000 for each day or any part thereof spent hearing a case.

(2) If a hearing day exceeds 7 hours, I charge:

a second full per diem x a prorated per diem

no additional charge other (describe) :

(3) Additional comments:

B) STUDY TIME.

(1) I charge \$ 2000 for each day spent in preparation of the opinion and award.

(2) This charge x will will not be prorated for partial days devoted to such preparation.

(3) Additional comments:

C) TRAVEL TIME AND EXPENSES.

(1) When travel time plus hearing time exceeds 12 hours in a calendar day:

Not applicable (no additional charge)

X I charge as follows (describe): a pro rata per diem

(2) I charge for actual, travel-related expenses incurred in connection with the case x YES NO.

Where appropriate, a mileage charge for auto travel will be billed at:

x Prevailing IRS rate Other (describe):

(3) When the scheduled hearing day(s) requires an overnight stay:

There is no charge, other than for lodging and subsistence.

X I charge as follows (describe): The charge is the actual cost of reasonable expenses, including airfare, car rentals, tolls, food, lodging and transportation.

(4) Additional Comments:

D) POSTPONEMENT OR CANCELLATION FEES.

A fee of \$ \$2000 will not be charged unless I receive notice of a postponement or cancellation:

x Within 21 calendar days of the scheduled hearing date

xOther (describe): Where travel exceeding fifty (50) miles is required, a cancellation fee and related expenses will be applied if notice of the change is received less than thirty (30) days from the scheduled hearing.

E) ADDITIONAL CHARGES. I charge separately for expenses incurred in connection with the following:

- Docketing (describe): x Yes No
\$100
- Duplication Yes x No
- Fax Yes x No
- Finance or late payment charge (describe): Yes x No
- Postage x Yes No
- Secretarial x Yes No
- Telephone x Yes No
- Other (describe):

F) GENERAL TERMS.

(1) Billing for fees and expenses will be divided equally between the parties unless otherwise required by the collective bargaining agreement or the conditions of the appointment.

(2) Other conditions (describe):

G) OTHER INFORMATION/COMMENTS:

SUBMITTED BY ARBITRATOR CAPONE ON OCTOBER 22, 2020

IMPORTANT

THIS FORM IS NOT INTENDED TO SUGGEST THE SERVICES FOR WHICH AN ARBITRATOR SHOULD OR SHOULD NOT CHARGE. IT PRESENTS THE MOST RECENT INFORMATION PROVIDED BY THE NAMED ARBITRATOR TO THE NEW YORK STATE PUBLIC EMPLOYMENT RELATIONS BOARD, WHICH BEARS NO RESPONSIBILITY FOR ERRORS OR OMISSIONS CONTAINED ON THE FORM, OR FOR VARIANCES IN ACTUAL PRACTICE BY THE ARBITRATOR.

